

then went out and had dialogue with other nations. Why would we declare war unilaterally but then say the only way to repeal it is following dialogue with other nations?

Our allies and partners are very aware of this bill. It has been on the floor for 2 years. There have been floor debates about it in the House. There have been two separate markups in the Senate Foreign Relations Committee. They are very aware of it.

All of us meet with Ambassadors. All of us meet with Parliamentarians. If nations in the region felt that there was any danger to this, they would have let us know. I will conclude and just say that the American Legion also strongly opposes this amendment. I would ask my colleagues to oppose it as well.

VOTE ON AMENDMENT NO. 30

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Mr. RICKETTS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS), the Senator from California (Mrs. FEINSTEIN), and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Kentucky (Mr. MCCONNELL).

The result was announced—yeas 31, nays 65, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—31

Barrasso	Hagerty	Rounds
Blackburn	Hoeven	Rubio
Boozman	Hyde-Smith	Scott (FL)
Britt	Johnson	Scott (SC)
Capito	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Mullin	Tillis
Crapo	Ricketts	Tuberville
Ernst	Risch	Wicker
Fischer	Romney	
Graham	Rosen	

NAYS—65

Baldwin	Hawley	Paul
Bennet	Heinrich	Peters
Blumenthal	Hickenlooper	Reed
Booker	Hirono	Sanders
Braun	Kaine	Schatz
Brown	Kelly	Schmitt
Budd	King	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Lee	Sinema
Carper	Lujan	Smith
Casey	Lummis	Stabenow
Cassidy	Manchin	Tester
Collins	Markey	Van Hollen
Cortez Masto	Marshall	Vance
Cramer	Menendez	Warner
Cruz	Merkley	Warnock
Daines	Moran	Warren
Duckworth	Murkowski	Welch
Durbin	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Grassley	Ossoff	Young
Hassan	Padilla	

NOT VOTING—4

Coons	Fetterman
Feinstein	McConnell

(Mr. WARNOCK assumed the Chair.)

(Mr. HICKENLOOPER assumed the Chair.)

The PRESIDING OFFICER (Mr. LUJAN). On this vote, the yeas are 31, and the nays are 65.

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

The amendment (No. 30) was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 today.

Thereupon, the Senate, at 1:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. LUJAN).

REPEALING THE AUTHORIZATIONS FOR USE OF MILITARY FORCE AGAINST IRAQ—Continued

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 9

Mr. CRUZ. Mr. President, I call up my amendment No. 9, and I ask that it be reported by number.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Texas [Mr. CRUZ] proposes an amendment numbered 9.

The amendment is as follows:

(Purpose: To provide findings related to the President's constitutional authority to use military force to protect the United States and United States interests)

On page 2, line 3, strike "The Authorization" and insert the following:

(a) FINDINGS.—Congress makes the following findings:

(1) Article II of the United States Constitution empowers the President, as Commander-in-Chief, to direct the use of military force to protect the Nation from an attack or threat of imminent attack.

(2) This authority empowers the President to use force against forces of Iran, a state responsible for conducting and directing attacks against United States forces in the Middle East and to take actions for the purpose of ending Iran's escalation of attacks on, and threats to, United States interests.

(3) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is not independently required to authorize the activities described in paragraphs (1) and (2).

(b) REPEAL.—The Authorization

Mr. CRUZ. Mr. President, there is no responsibility we have as Members of Congress more serious than protecting the men and women who defend this Nation. We are facing a national security crisis due to Joe Biden and his administration, which have repeatedly been unwilling to act against repeated hostilities from the nation of Iran. They have looked repeatedly for excuses to justify that inaction.

Now, I want to be clear. I am not where some Members of this body are who want to maintain this authorization for use of military force. I want to vote to repeal this authorization for use of military force. The Iraq war was a long time ago, and I believe the Iraq war was a mistake at the time it was fought. I would be enthusiastic about Congress reasserting its war-making and war-declaring power by repealing the AUMF.

But, at the same time, I don't want the repeal of the AUMF to be used as an excuse by the Biden administration to roll over and do nothing if and when Iran attacks and murders American soldiers, sailors, airmen, and marines in the Middle East. And this is not hypothetical.

Just last week, General Milley, the Chairman of the Joint Chiefs of Staff, testified before the House that from January 2021 until last week, there were 78 attacks against American forces in the Middle East by Iranian-linked fighters—78. The Biden administration responded 3 times; 75 of them went unresponded. Tragically, but predictably, appeasement doesn't work.

On Thursday morning, the CENTCOM Commander was testifying in front of the House. Here on the floor of the Senate, we were debating this very issue of the AUMF and Iranian aggression. We now know that, at 6:30 in the morning eastern time on Thursday, Iran attacked U.S. forces, murdered a U.S. citizen—a U.S. contractor—and wounded six other Americans. That happened at 6:30 in the morning eastern time on Thursday.

The Presiding Officer didn't know that on Thursday. I didn't know that on Thursday. None of us knew that on Thursday. Why? Because the Biden administration kept it a secret for 12 hours because they didn't want to tell the Senate, while we were debating this issue, that an American had just been murdered by Iran. That is disgraceful. The Presiding Officer should be angry about it; I should be angry about it.

My amendment is very simple. My amendment restates that under article II of the Constitution, the President has the authority to defend U.S. troops and to respond to Iranian aggression.

The opponent of this bill, my friend Senator KAINE, will speak shortly. What he said to the Senate Foreign Relations Committee was that the amendment is unnecessary; that article II already does that. Well, good. If it is unnecessary, then the Democrats ought to support my amendment and add it. Because I will tell you what it will get: If we add this amendment, I will vote yes on the AUMF repeal. If we don't add this amendment, I am a no.

Here is why: I don't want to give an excuse for the Biden administration, the next time Iran attacks, to do nothing. If it is unnecessary legally, it ought to be an easy give to say, "Let's add it, to be clear, that if you attack U.S. forces, the President has the authority to respond," because I don't